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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/927,960 | 08/10/2001 | Anthony J. Glaszcz | 420.003 | 5381 |

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EXAMINER

SELF, SHELLEY M

ART UNIT PAPER NUMBER

3725

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,960

Applicant(s)

GLASZCZ ET AL.

Examiner

Shelley Self

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 66. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action. The objection to the drawings will not be held in abeyance.

The drawings filed in this application are acceptable for examination purposes. Formal drawings are required when the application is allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. (H1, 819). With regard to claims 1 and 11, Anderson discloses a bale shape monitor (122) for a round baler comprising a movable member (136) located within the bale forming camber (25), a pair of spaced apart rollers (172; fig. 9), and a sensor arrangement (124, 126) associated with the rollers.

With regard to claim 2, Anderson discloses the movable member comprising laterally rigid (136) frame.

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With regard to claim 3, Anderson discloses the movable member configured to contact the bale at a location between the rollers (figs. 9-12).

With regard to claim 4, it is inherent that Anderson's rollers (124, 126) act concurrently as directing means to direct crop in the bale chamber as well as sensory members

With regard to claims 5 and 17, Anderson discloses indicator (204, 208) connected with the sensor arrangement (fig. 11) to provide a sensory output.

With regard to claims 6 and 7, Anderson discloses a method of detecting a differential in a bale diameter comprising the steps of positioning a pair of rotatable members (172) within the bale-forming chamber (25), wherein the rotatable members are laterally spaced (figs. 9-12) forming a bale (fig. 1), sensing rotation (124, 146; figs. 9-12) and outputting a signal (204, 218).

With regard to claim 8, Anderson discloses a method step of sensing rotation of the rotatable members during formation of the bale is carried out by interconnecting a rotation sensing arrangement between the movable member and each rotatable member (figs. 9-12).

With regard to claims 9 and 15, Anderson discloses a method wherein the movable member is configured to contact the bale at a location between (128) the pair of rotatable members.

With regard to claim 10, Anderson discloses a method wherein the step of outputting a signal is carried out by outputting a sensory signal (204, 218).

With regard to claim 12, Anderson discloses a switching mechanism (192, 194).

With regard to claim 13, it is inherent that Anderson's sensory arrangement is operable to detect a differential in the frequency of rotation between the rotatable members. Anderson clearly discloses a sensory arrangement detecting bale diameter size. Variations in the bale

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diameter size from one location of the bale to another result in rotation variations (i.e. differences in the frequency of the rotation) of the sensory arrangement means, thus resulting in differential in the frequency of the rotation between the rotatable members (128, 172).

With regard to claim 14, Anderson discloses rotatable member is located in the vicinity of one of a pair of end areas defined be the bale chamber (fig. 1).

With regard to claim 16, Anderson discloses a baler including belts (48).

With regard to claim 18, Anderson discloses the indicator comprising a sensory output arrangement for outputting a signal to an operator (col. 12, lines 45-50).

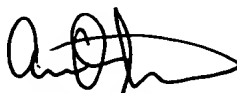
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure Meiers (4,517,795), Lee (5,165,332), Henderson et al. (5,551,218), Berger et al. (5,615,544), Chow et al. (5,802,825) and Wagstaff et al. (5,444,969).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (703) 305-5299. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Allen Ostrager can be reached at (703) 308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SSelf
March 3, 2003


ALLEN OSTRAGER
SUPERVISORY PATENT EXAMINER
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